

Legal Notice
Request for Proposals
Disposition of Municipal Real Estate
Town of Acton, Massachusetts

Sealed proposals will be received at the Office of the Town Manager, Town of Acton, Town Offices, 472 Main Street, Acton, Massachusetts 01720 until 2:00 p.m., on Friday, March 31, 2006, at which time and place they will be publicly opened and read aloud, for the following:

Pursuant to Chapter 487 of the Acts of 2002 and M.G.L. c. 30B, § 16, the Acton Board of Selectmen, acting by and through the Town Manager as the Town's Chief Procurement Officer, requests proposals from experienced, qualified firms for a fifty (50) year lease, substantially in accordance with the RFP form of Lease, of the land and building situated on an approximately 1.23 acre parcel of land at the corner of Massachusetts Avenue and Charter Road in the Town and as further described in the RFP for the purpose of preserving the existing Towne Building located thereon and adapting it for residential use, including but not limited to low and moderate income housing as specified in the RFP.

Interested proposers are required to have a representative attend an on-site briefing session on February 28, 2006, at 10:00 a.m. Registration to attend the briefing is due by February 27, 2006.

All proposals shall remain valid and may not be withdrawn for a period of ninety (90) calendar days after the Proposal Filing Deadline, or until the Lease has been executed, or the Request for Proposals is cancelled, whichever occurs first.

The Town of Acton reserves the right to reject any or all proposals, waive any informalities in the proposal process, and to accept the proposal deemed to be in the best interest of the Town.

Each original proposal must be delivered together with eight (8) additional copies in a sealed package, plainly marked "RFP – PROPOSAL FOR LONG-TERM LEASE OF TOWNE SCHOOL PROPERTY."

**TOWN OF ACTON
REQUEST FOR PROPOSALS
FOR THE LONG-TERM LEASE OF THE TOWNE SCHOOL PROPERTY
FOR AFFORDABLE HOUSING USE**

Proposals Due: March 31, 2006, 2:00PM

I GENERAL INFORMATION

A. The Request for Proposals ("RFP")

Pursuant to Chapter 487 of the Acts of 2002 (Exhibit A) and M.G.L. c. 30B, § 16, the Board of Selectmen (the "Board") of the Town of Acton (the "Town"), acting by and through the Town Manager as the Town's Chief Procurement Officer ("Town Manager"), hereby requests proposals from experienced, qualified firms for a fifty (50) year lease substantially in accordance with the form of Lease attached hereto as Exhibit B (the "Lease") of the land and building situated on an approximately 1.23 acre parcel of land at the corner of Massachusetts Avenue and Charter Road in the Town and as further described in Exhibits C and D hereto ("Parcel A") for the purpose of preserving the existing Towne Building located thereon and adapting it for residential use, including but not limited to low and moderate income housing as specified herein. The Towne Building and Parcel A are collectively referred to hereafter as the "Premises."

Pursuant to § 2 of Chapter 487 (authorizing the Board to "issue a request for proposals for such purposes, [and] to determine the terms and conditions of such request"), and pursuant to M.G.L. c. 30B, § 16 (authorizing the Board to "specify the restrictions ... that it will place on the subsequent use of the property"), the Board sets the terms, conditions and restrictions on the Tenant's use of the Premises set forth in this RFP and in the Lease including, without limitation, the requirement that the existing two-story Towne Building located on Parcel A shall be preserved, remodeled and developed by the Tenant into at least fifteen (15) units of mixed-income rental and affordable housing to be operated over the term of the Lease in conformity with the requirements of this RFP and the Minimum Affordability Commitment set forth in Section VI below. The applicable terms, conditions and restrictions are more fully set forth in Sections V and VI below. (For purposes of this RFP, the proposer that is ultimately awarded the Lease shall hereinafter be called the "Tenant," and the development and use of the Premises for such rental and affordable housing pursuant to the Lease shall hereinafter be called the "Project.")

Based on (a) the provisions of Chapter 487 of the Acts of 2002, (b) the provisions of the Uniform Procurements Act for the disposition by Lease of Town-owned property, (c) guidance afforded by the Attorney General's office with respect to considerations for determining whether bidding laws for public construction apply to a long-term municipal lease that contemplates the

construction of affordable housing by a private developer on public land (Exhibit E), (d) guidance issued by the Chief Counsel of the Department of Housing and Community Development with respect to that same issue (Exhibit F), and (e) interpretations of the purpose, intent, and scope of the bidding laws for public construction by Massachusetts Courts and by the Attorney General's Business and Labor Protection Bureau cited therein, the Town of Acton expects and intends (without any warranty or representation to that effect) that the Lease, including without limitation its provisions applicable to the Tenant's work on the Initial Improvements under Article 3, is not subject to bidding laws for public construction, including without limitation G.L. c. 149, §§ 44A-44J, G.L. c. 30, § 39M et seq., and G.L. c. 7, § 38K. By submitting a Response to this RFP, the Tenant warrants and represents that it has undertaken its own independent evaluation of this issue through qualified legal counsel and that the Tenant is willing to proceed pursuant to the terms of the Lease.

The purpose of this RFP is to select a Tenant who can demonstrate the experience and capacity necessary to (a) best effectuate the terms, conditions and restrictions for the Tenant's use of the Premises pursuant to the Lease in conformance with the Town's goals, as articulated in Section VI, Goals and Guidelines, and (b) best meet the Evaluation Criteria described in Section VII. This RFP provides certain information about the Premises in Section III, Instructions to Proposers in Section IV, Scope of Services including the terms of the proposed lease in Section V, Submission Requirements in Section VIII, Selection Process in Section IX and Exhibits in Section X.

B. The Project

Built in 1925, the Towne Building served as a school until the middle of 2002. The Towne Building is now vacant and closed to the weather. At a Town Meeting held on April 9, 2001, the Town voted against demolition of the Towne Building. The Town's School Committee voted to transfer the Towne Building with appropriate land to the Town for reuse as determined by the Board of Selectmen. The Board of Selectmen, after reviewing various reuse alternatives, voted to use the Towne Building for affordable housing use. At a Town Meeting held on October 15, 2002, the Town authorized the Board of Selectmen to lease the Premises for such use under a long-term lease and to file for and obtain the required Home Rule legislation from the General Court.

The Town desires to maintain and preserve the Towne Building, while also serving a public purpose and benefiting the residents of the Town. The Town has determined that a long-term lease of the Premises will best serve the Town's objectives, and that affordable housing is the most appropriate use of the Premises, given the Town's current shortage of affordable housing.

Throughout the development process and term of the Lease, the Town Manager and the Acton Community Housing Corporation ("ACHC") shall act as representatives of the Town to clarify and facilitate approvals and administrative

matters and will have such further specific authority as the Board of Selectmen may approve.

ACHC was established by Chapter 143 of the Acts of 1996 as “a non-profit housing corporation ... subject to the supervision of the board of selectmen of the Town of Acton” (§ 1). ACHC’s mission includes increasing the supply of affordable housing in the Town. ACHC sponsored the development of the Towne School and presented a proposal for redevelopment at the April 2002 Special Town meeting, at which the Town agreed to retain the existing building for affordable housing as recommended by the Selectmen. ACHC supports the renovation of the Towne School into attractive affordable housing in the most expeditious way possible and will work with the selected Tenant to accomplish this goal.

The Town Manager may cancel the Project and/or the Lease at any time prior to the execution and delivery of the Lease by and between the Town and the Tenant if funds are not appropriated or otherwise made available to support continuation of performance of the Project and/or the Lease.

II. SITE TOUR AND BRIEFING

Interested proposers **are required** to have a representative attend an on-site briefing session on February 28, 2006 at 10:00AM. Registration to attend the briefing is required no later than the close of business February 27, 2006. To register, or for additional information contact Dean Charter, MCPPO, Municipal Properties Director, at 978-264-9629, dcharter@town.acton.ma.us.

III. DESCRIPTION OF PREMISES

Set forth below in this Section III is certain background information about the Premises which the Town has assembled from a variety of sources. While the Town has no reason to believe that the information provided by the Town in this RFP (including all Exhibits and supplements) (the information so provided by the Town is hereinafter referred to as the “Premises Information”) is not accurate, the Town makes no representation or warranty, express or implied, as to the accuracy and completeness of the Premises Information. The Town assumes no liability for the accuracy or completeness of the Premises Information and each proposer assumes all risk in connection with the use of the Premises Information and releases the Town from any liability in connection with the use of the Premises Information by the proposer.

In addition, the Town makes no representation or warranty with respect to the Premises, including without limitation, the value, quality or character of the Premises or its fitness or suitability for any particular use and/or the physical and environmental condition of the Premises.

1. **Location and Site Information:** This RFP pertains to the Lease of the Premises, and renovation of the Towne Building for use as rental and

affordable housing. A legal description of the Premises is included as Exhibit C to this RFP.

2. Buildings and Improvements: The Towne Building was built as the Acton High School in 1925, and was renovated in the 1950s and 1970s. A one-story extension to the Towne Building was later demolished, and the School Department completed landscaping and related site work along the driveway to the Parker Damon Building at the rear of Parcel A. The Towne Building was utilized as a school building until mid-2002, but is now vacant. The Tenant is responsible for determining the construction and condition of the Premises and requirements to carry out the renovation to the Towne Building and to meet the requirements of the Massachusetts State Building Code and other applicable state or local laws, codes, ordinances and regulations. Partial plans for the original building are a portion of Exhibit C.

A feasibility study (the "Feasibility Study"), funded by the Massachusetts Housing Partnership Fund, has been completed by Edward Marchant, Real Estate Consultant, and Philip Hresko, Architect, dated March 29, 2002, and is included herein as Exhibit G. The Feasibility Study indicated that nineteen (19) units of housing could be developed in the Towne Building.

3. Site Plans. The boundaries of Parcel A are shown in Exhibits C and D. The preliminary site plan included in the Feasibility Study indicated thirty-six (36) parking spaces on the east side of the Towne Building.
4. Parking and Access on Parcel A. All off-street parking for the Project shall be on the East side of the Towne Building. There is to be no paved vehicle connection with the School Department driveway that is located at the rear of the Towne Building. The Project's parking area shall have two-way movement through the parking area with access to and from Massachusetts Avenue. A curb cut to Massachusetts Avenue is required (blank copy enclosed in Exhibit D) and must be approved by the Massachusetts Highway Department.
5. Zoning. The Property is currently zoned R-2 Residential, which does not allow multi-family housing. The Town is prepared to work with the Tenant to come to an agreement with respect to zoning requirements and to support the filing of a Local Initiative Petition under the Local Initiative Program, 760 CMR 45.00, and/or an application for a Comprehensive Permit pursuant to M.G.L. Chapter 40B.
6. Utilities. Public water, natural gas, and sewer are available at the Premises. Electricity is currently being delivered to the building as part of the primary metered service controlled by the school district. The building will be disconnected from this service immediately upon the

transfer of the building to the Tenant. The Tenant shall be responsible for making all such connections and betterments and paying the cost involved.

7. Special Requirement. The Towne Building is on the List of Significant Historical Buildings of the Acton Historical Commission. ACHC's presentation to the April 2002 Town Meeting advised that the reuse of the Towne Building would include preservation of the street façade of the Towne Building and that parking would not be located at the front of the Towne Building. Upon reasonable prior notice to Tenant, the Town of Acton shall have the right to apply to have the Towne Building and/or the Premises listed on the National, State, and/or Local Register(s) of Historic Places during the Term of the Lease.
8. Environmental Requirements. The firm of Goldman Environmental Consultants conducted an environmental review of the Premises and their Environmental Report dated February 24, 2003 is attached hereto as Exhibit H.

IV. INSTRUCTIONS TO PROPOSERS

Each proposer shall submit one original proposal (sealed and written) and 8 copies of the proposal on or before 2:00 p.m., March 31, 2006 (the "Proposal Filing Deadline") to the following address:

**Town Manager's Office
Acton Town Hall
Attention: Don P. Johnson, Town Manager
472 Main Street
Acton, MA 01720**

PROPOSALS RECEIVED AFTER THE PROPOSAL FILING DEADLINE TIME WILL NOT BE ACCEPTED. TELECOPIED OR ELECTRONICALLY MAILED (E-MAILED) PROPOSALS WILL BE DEEMED NON-RESPONSIVE AND WILL BE REJECTED. These guidelines will be strictly enforced. Proposers are cautioned to hand deliver their proposals or to allow sufficient time for their proposals to be received in time by the Town.

The envelope containing the proposal and all supporting submittals must be clearly marked "RFP – PROPOSAL FOR LONG-TERM LEASE OF TOWNE SCHOOL PROPERTY" with the proposing firm's name and address. The proposal itself should be clearly marked "Proposal for Long-Term Lease of Towne School Property." Responses to this RFP must include all required documents, completed and signed per the instructions and attached forms included in this Request.

Proposals shall remain valid and may not be withdrawn for a period of ninety (90) calendar days after the Proposal Filing Deadline, or until the Lease has been executed, or this Request for Proposals is cancelled, whichever occurs first.

All inquiries should be in writing no later than March 6, 2006, and should be directed to:

**Town Manager's Office
Acton Town Hall
Attention: Don P. Johnson, Town Manager
472 Main Street
Acton, MA 01720
Telephone: (978) 264-9612
E-mail address: djohnson@town.acton.ma.us**

All proposals submitted prior to the Proposed Filing Deadline will be opened and recorded on March 31, 2006, at 2:00PM.

The Town reserves the right to accept or reject any or all proposals, to waive minor informalities, and to make the award as may be deemed in the best interest of the Town. Those who enter into contractual obligations with the Town must not discriminate against qualified, handicapped individuals in their employment decisions.

If any changes are made to this RFP, an addendum will be issued. Each addendum will be mailed or faxed to all persons on record as having picked up the RFP.

V. TERMS, CONDITIONS, AND RESTRICTIONS OF USE

Pursuant to § 2 of Chapter 487 (authorizing the Board to "issue a request for proposals for such purposes, [and] to determine the terms and conditions of such request"), and pursuant to M.G.L. c. 30B, § 16 (authorizing the Board to "specify the restrictions ... that it will place on the subsequent use of the property"), the Board sets the following terms, conditions and restrictions on the Tenant's use of the Premises pursuant to the Lease:

A. The Project

The Tenant, at its sole expense, shall perform all work necessary to convert the Towne Building into at least fifteen (15) mixed-income rental dwelling units, to be managed and rented in conformity with the requirements of this RFP and the Minimum Affordability Commitment set forth in Section VI below (the "Work").

The Tenant will be solely responsible for all costs and expenses of the Work, including without limitation the design, reconstruction and renovation of the

Towne Building, the installation of utility and site work required for the proposed housing use, and any other measures necessary to bring the Towne Building into compliance with all applicable federal, state and local laws, ordinances, rules, regulations and codes for the proposed use. The Tenant shall, at its sole cost and expense, obtain all necessary permits, approvals and licenses from governmental authorities, including the Town, required for Work and the use of the Towne Building as rental and affordable housing units, subject to the agreement of the Board to cooperate with and support the filing of a Local Initiative Petition under the Local Initiative Program, 760 CMR 45.00, and/or an application for a Comprehensive Permit Application under M.G.L. Chapter 40B.

The Tenant shall submit to the Town the names and qualifications of each member of its Project Team (e.g. the project proponent, general contractor, architect, landscape architect, and management entity for the design, construction, and management of the rental and affordable housing use of the Premises), which Project Team members shall be suitably qualified by education, training and experience to perform their respective portions of the Work.

The Tenant shall perform the Work in a good and workmanlike manner, in compliance with good engineering and construction practices, and with the requirements of all applicable laws, ordinances, codes, orders, rules and regulations of all governmental authorities, agencies or departments with jurisdiction. The Work shall be performed in material compliance with the Final Plans, as defined in the Lease, and in strict compliance with the Required Permits, as defined in the Lease. The Tenant shall take all reasonably necessary measures to (i) minimize dust, noise and construction traffic, (ii) minimize any damage, disruption or inconvenience caused by the Work, and (iii) make adequate provision for the safety and convenience of all persons affected thereby and to properly police same. Dust, noise and other effects of such work shall be controlled using commercially accepted methods customarily utilized in order to control deleterious effects associated with construction projects in a populated or developed area. The Tenant shall pay (or cause to be paid) all costs and expenses associated with the Work (including, without limitation, all architectural, engineering, construction, legal and consultant fees and costs) and shall defend, indemnify and hold the Town harmless from and against any and all claims, damages, losses, penalties, costs, expenses and fees (including without limitation reasonable legal fees) attributable to the performance of the Work.

B. The Lease

Attached to this RFP, as Exhibit B, is the Town-approved form of the Lease. The Tenant will be required to sign the Lease substantially in the form attached hereto. In accordance with Chapter 487 of the Acts of 2002, § 2 (which provides that the Board may “accept any proposal or negotiate changes in any proposal, or ... reject all proposals, as it determines to be in the best interests of the town, and ... take all other actions as may be necessary or desirable to carry out such project”), the Town reserves the right to negotiate changes in any proposal as

it determines to be in the best interests of the Town, and to consider reasonable changes to the Lease requested by the Tenant; however, the Town discourages proposers from requesting substantial changes to the Lease.

The Term of the Lease shall be fifty (50) years.

Rent for the Property shall be the amount set forth in the selected Tenant's proposal, plus any impositions, utility charges or other fees and charges to be paid as Additional Rent under the Lease.

The Tenant shall provide full service operation, maintenance, repair and management of the Premises for affordable rental housing in compliance with all legal and regulatory requirements. Unless otherwise expressly set forth in the Lease, all costs, expenses, liabilities, charges or other deductions whatsoever with respect to the Premises, and the construction, ownership, leasing, operation, maintenance, repair, rebuilding, replacement, use or occupation of the Premises shall be the responsibility of Tenant

Throughout the entire Term of the Lease, Tenant shall cause the Premises to be used solely for the maintenance and support of rental and affordable housing and uses that are ancillary thereto in conformance with the requirements of this RFP and the Minimum Affordability Commitment set forth below. Tenant shall manage every aspect of the occupancy of the dwelling units on the Premises, including, without limitation, developing and implementing resident selection criteria, selecting tenants for the dwelling units, handling disputes, collecting rent and executing necessary repairs and maintenance.

C. Public Sewer

The Premises is situated in the Town's Middle Fort Pond Brook Sewer Betterment Area and has frontage on a sewer street. As such, the Premises is eligible to tie into the public sewer upon payment of a sewer betterment assessment, payment in lieu of betterment, or sewer privilege fee, as applicable (as well as applicable permit connection fees) to the Town of Acton in accordance with the Town's Sewer Assessment Bylaw (Exhibit I). Generally speaking, the Bylaw applies the following rules (among others):

- Sewer betterments are assessed based on the statutory uniform unit method (as authorized by G.L. c. 83 § 15) pursuant to which one sewer betterment unit is equivalent to \$12,311.52.
- The owner of land used for multi-family residential use is assessed on the basis of .67 times the number of dwelling units on the land, provided each unit has fewer than three bedrooms as defined by Title V.
- Multi-family units with three or more bedrooms are assessed on the basis of one sewer unit per dwelling unit.

- Land used or zoned for institutional and non-profit uses is assessed on the basis of a number of sewer units to be determined by the Board of Selectmen acting as the Sewer Commissioners, taking into account the expected daily sewage flow from such land based on Title V design flows.
- The Board of Selectmen acting as the Sewer Commissioners shall establish just and reasonable fees for the use of the public sewer system by the owner of any land, including public land, not liable to assessment, which fee shall be based on the avoided cost of construction of sewage disposal facilities to serve such land.
- The Board of Selectmen acting as the Sewer Commissioners may establish reasonable fees pursuant to G.L. c. 83, § 17 to cover costs of construction of common sewers and other facilities required to serve land not previously served by the sewer system and not previously assessed to the owner of such land.

Pursuant to the Bylaw, Board of Selectmen acting as the Sewer Commissioners will establish the reasonable fees for the use of the public sewer system for the Project based on the Bylaw. The Tenant shall be responsible for paying that sewer fee.

D. Due Diligence

The Tenant should undertake its own review and analyses concerning physical condition, environmental condition, applicable zoning laws, required permits and approvals, and other development, ownership and legal considerations pertaining to the Premises, the Lease, and the use, and shall apply for and obtain all approvals and permits required, subject to the agreement of the Town to cooperate with and support the filing of a Local Initiative Petition under the Local Initiative Program, 760 CMR 45.00, and/or an application for a Comprehensive Permit Application under M.G.L. Chapter 40B.

VI. GOALS AND GUIDELINES

The Town views the reuse of the Property as an important affordable housing opportunity and as a way of enhancing the Kelly's Corner neighborhood. The Town seeks proposals designed to respect the architecture and historical importance of the Towne Building and the property's relationship to adjoining school and residential neighbors. In selecting the Tenant, the Town will place great weight on the Tenant's history of effective real estate development and strong property management.

The Feasibility Study included in this RFP as Exhibit G indicates the feasibility of developing nineteen (19) units of affordable housing in the Towne Building. Based upon the Feasibility Study, the ACHC and the Town have established the following goals and guidelines for the reuse of the Premises, which

are established as additional terms, conditions and restrictions on the Tenant's use of the Premises:

(a) Programmatic and Use Guidelines

- 100% of the units shall be rental units.
- There shall be mixed-income family housing with a range of unit sizes.
- There shall be at least two three-bedroom units.
- There shall be at least one two-bedroom handicapped accessible unit at ground level.
- Local preference for affordable units shall be provided to the extent allowed by legal requirements.

(b) Minimum Affordability Commitment

- At the option of the Applicant, either (i) twenty percent (20%) of the rental units are to be restricted for occupancy by persons or households whose aggregate family income does not exceed 50% of the median gross income for the area, or (ii) twenty-five percent (25%) of the rental units are to be restricted for occupancy by persons or households whose aggregate family income does not exceed 80% of the median gross income for the area, as established by the United States Department of Housing and Urban Development, all in accordance with the applicable rules, regulations and guidelines of the applicable Subsidizing Agency, as required for the Chapter 40B comprehensive permit application.

(c) Design Guidelines

- Construction shall be of good quality, and in compliance with legal requirements and good engineering and construction practices.
- Exterior of the Towne Building shall be fully repaired, pointed and made weather tight. New window openings in front exterior wall recess panels on second floor will be considered.
- Aesthetic requirements: All exterior alteration and repair work shall match, fit in and be of the same appearance and quality of construction as that of the existing Towne Building.

- Existing anodized aluminum windows may be reused if they can be fully repaired and made operable with ease by residents.
- Unique spaces for artist's lofts or other creative design options are encouraged.
- Outdoor gardens are encouraged to be provided for the ground-level units to the extent feasible.
- Open areas at the front of the Towne Building, at the west side along Charter Road, and at the rear of the Towne Building shall be attractively landscaped.
- Parking along the east side of the Premises will be provided for thirty-four (34) spaces including two spaces for the handicapped. Relocation of a hydrant may be required for a curb cut onto Massachusetts Avenue. There shall be two-way auto movement provided through the parking area. There shall be no vehicle access to the school driveway at the rear of the Towne Building.
- Trash and service areas shall be sited to be at the rear of the Premises.
- An attractive fence and/or landscape barrier shall be installed along the east boundary of the Premises to provide both screening and effective protection from "cut through" pedestrian traffic.
- Existing trees and planting shall be saved where appropriate and possible.

(d) Implementation Guidelines

- Tenant shall submit with its proposal its anticipated critical path time schedule for major Project milestones (including such matters as financing, permitting, design, construction, and rental) so that the renovation and occupancy of the Towne Building shall be commenced and completed as soon as reasonably possible. Proposers should be prepared to start work on the first Project milestone within 30 days from the Town's Notice that the Tenant has been selected, and shall be prepared to execute the Lease (and if necessary a mutually agreeable pre-commencement Development Agreement to be negotiated covering critical path Project activities prior to the Commencement Date of the Lease) within 90 days following selection. The Tenant shall commence the Work as soon as reasonably possible following the signing of the Lease (and, if

applicable, the pre-commencement Development Agreement) and complete the Work not later than one (1) year after the commencement of the Work, hereafter referred to as the Outside Construction Completion Date. Should there be a significant delay in starting or completing construction, the Town may exercise its remedies under the Lease. See Article 3 of the Lease.

VII EVALUATION CRITERIA

Submissions must meet the following minimum threshold criteria:

1. Proposal must be complete and conform to all submission requirements.
2. Tenant must have a minimum of seven years experience in the development and/or administration of affordable housing.
3. Certification of compliance by Tenant and all of its affiliates with all state and local taxes (form Exhibit J).
4. Tenant must submit a critical path time schedule conforming to Section VI(d) above.
5. Proposal must meet the Minimum Affordability Commitment, as stated in Goals and Guidelines above.

Each proposal meeting the minimum criteria will then be judged on the following additional competitive evaluation criteria:

a. Programmatic guidelines.

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators exceeds program requirements and quality of architectural and site design.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators meets program requirements and quality of architectural and site design.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to meet program requirements and quality of architectural and site design.

b. Affordability.

- Consistent with the Town's goal of having affordable rents that serve a wide range of households and a wide range of incomes, a Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators exceeds the Minimum Affordability Commitment by providing a greater percentage or greater mix of affordable units. Given the importance of this criterion, as between two competing "Highly Advantageous" proposals, preference as to the affordability criterion will be given to the proposal providing the greater percentage and greater mix of affordable units.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators meets the Minimum Affordability Commitment.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to meet the Minimum Affordability Commitment.

c. Tenant's capacity.

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies a Project Team capable of completing the Project successfully and in an expedited manner, as evidenced by track record developing affordable housing and overall financial qualifications. The track record will be evaluated in terms of experience securing funding proposed in plan, outcome of comparable projects (time, budget, design), experience obtaining comprehensive permits, experience working with volunteer boards of directors, evaluation of proposed property management, and reference checks.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies a Project Team capable of completing the Project successfully and in a timely manner, as evidenced by such a track record.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to identify a Project Team capable of completing the Project successfully and in a timely manner.

d. **Financial capacity.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies a Project Team with exceptional financial capacity to undertake the Project proven by prior experience financing real estate development, including securing any necessary interim financing, ability to provide any equity contribution projected in the Sources and Uses Budget, and ability to secure financing as evidenced by letter(s) from prospective lender(s) and other supporting material. Review of all other real estate owned and any bankruptcy within the past ten years by any member of the Project Team.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies a Project Team with reasonable financial capacity to undertake the Project.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to identify a Project Team with reasonable financial capacity to undertake the Project.

e. **Architect and Engineer.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies, as members of the Project Team, proposed architects and engineers with extensive experience that qualifies them for design and supervision of a two-story masonry reconstruction project, and with an exceptional demonstrated record of designing within budgets and with minimal changes during construction. Resumes of principals and senior staff assigned to the Project will be evaluated.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies, as members of the Project Team, proposed architects and engineers with experience that qualifies them for design and supervision of a two-story masonry reconstruction project, and with a demonstrated record of designing within budgets and with minimal changes during construction.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to identify, as members of the Project Team, proposed architects and engineers with experience that qualifies them for design and supervision of a two-story masonry reconstruction project, and with a demonstrated record of designing within budgets and with minimal changes during construction.

f. **General Contractor.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies, as members of the Project Team, a proposed contractor exceptionally qualified to undertake a two million dollar alteration project and with an exceptional record of finishing projects on time and within budget will be considered. Qualifications of senior managers and supervisory staff will be considered. The contractor shall provide payment, performance and lien bonds in a form, and from a surety, satisfactory to the Town.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies, as members of the Project Team, a proposed contractor qualified to undertake a two million dollar alteration project and with a demonstrated record of finishing projects on time and within budget will be considered. Qualifications of senior managers and supervisory staff will be considered. The contractor shall provide payment, performance and lien bonds in a form, and from a surety, satisfactory to the Town.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to identify, as members of the Project Team, a proposed contractor qualified to undertake a two million dollar alteration project, fails to show a demonstrated record of finishing projects on time and within budget will be considered, and/or fails to confirm that the contractor shall provide payment, performance and lien bonds in a form, and from a surety, satisfactory to the Town.

g. **Management.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies, as members of the Project team, a proposed management agent with an exceptional record of (a) managing affordable housing developments including small and rental developments, (b) providing prompt and effective service and repair delivery, and (c) coordinating various resident services required in the management of rental affordable housing. References from owners of other developments currently being managed and reputation with public agencies and lenders will be considered.

- An Advantageous rating will be given to a proposal that in the judgment of the evaluators identifies, as members of the Project Team, a proposed management agent with a demonstrated record of (a) managing affordable housing developments including small and rental developments, (b) providing prompt and effective service and repair delivery, and (c) coordinating various resident services required in the management of rental affordable housing.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators fails to identify, as members of the Project Team, a proposed management agent with a demonstrated record of managing affordable housing developments.

h. **Feasibility of Proposed Project.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators is highly feasible based on an analysis of the development budget, the demonstrated ability of the Project Team to resolve environmental and permitting issues, the likely acceptability of designs by regulators, lenders and funders, the likelihood of obtaining proposed financing for construction and soft costs as estimated, the reasonableness of the operating budget including management, administrative, maintenance and utility costs and adequacy of reserve allowances.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators is feasible based on an analysis of these factors.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators is not feasible based on an analysis of these factors.

i. **Market Analysis.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators has significant benefit to the Town and its constituents in terms of proposed rents, affordability for target households, proposed rent-up period, proposed future rent increases and vacancy allowances.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators benefits the Town and its constituents in terms of proposed rents, affordability for target households, proposed rent-up period, proposed future rent increases and vacancy allowances.

- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators does not benefit the Town and its constituents in terms of proposed rents, affordability for target households, proposed rent-up period, proposed future rent increases and vacancy allowances.

j. **Site and Building Design.**

- A Highly Advantageous rating will be given to a proposal that in the judgment of the evaluators presents a superior proposed design evaluated on how well the proposed design complies with requirements of this RFP; responds to site conditions; observes historical restoration requirements; anticipates and addresses likely design requirements of public agencies; presents architectural merit in terms of unit designs and the quality of proposed construction; observes careful site planning; and analyzes zoning and regulatory changes required and the ability to file and defend applications for such changes.
- An Advantageous rating will be given to a proposal that in the judgment of the evaluators presents an average proposed design evaluated on the basis of these factors.
- An Unacceptable rating will be given to a proposal that in the judgment of the evaluators presents an inferior proposed design evaluated on the basis of these factors.

k. **Proposed project development schedule.**

Projects with faster development schedules will receive a more advantageous rating on this criterion.

l. **Proposed Rent.**

There will be an evaluation of the rent offered by the proposer. Proposers offering a higher annual rent will receive a more advantageous rating on this criterion.

m. **Requested Changes to Lease.**

There will be an evaluation of changes to the Lease requested by the proposer. Proposers requesting fewer substantive changes to the Lease will receive a more advantageous rating on this criterion.

n. **Overall Score and Ranking**

After evaluating a proposal on the foregoing factors, the evaluators will provide an overall score and ranking for the proposal as

compared to other proposals. For example, a proposal which achieves "Highly Advantageous" and/or "Advantageous" rankings in several categories will not necessarily be disqualified simply because it received an "Unacceptable" ranking in one or more other categories if, in the judgment of the evaluators, the proposal on the whole is "Advantageous" or "Highly Advantageous" to the Town. Any notice of award, however, will be contingent upon the project proponent curing any "Unacceptable" criterion ranking prior to the execution of the Lease.

VIII SUBMISSION REQUIREMENTS

Proposers must submit the following information:

1. Letter of Interest signed by the principal(s) of the proposer
2. Narrative description of the proposal
3. Copy of the Lease indicating changes, if any, requested by the proposer
4. Completed, latest version of the One Stop Affordable Housing Finance Application, Sections 1 through 4 and Section 5, if applicable. Item 16 in Section 1 shall describe proposed financing. Alternative financing may be indicated separately if also considered acceptable and feasible
5. Twenty year operating pro forma as generated by One Stop Program
6. Completed One Stop Program Exhibits as follows:
 - Exhibit 3: Evidence of Zoning Paragraph 3.2 only
 - Exhibit 7: Marketing Plan
 - Exhibit 8 Affirmative Fair Marketing Plan
 - Exhibit 9: Equal Opportunity Questionnaire
 - Exhibit 15D: Certification on Payment of State and Federal Withholding Taxes
 - Exhibit 15A Qualified Non-Profit Certification (if applicable)
 - Exhibit 16 Preliminary Plans and Specifications (Only Paragraphs 16.1, 16.2, 16.4 and 16.6. For Paragraph 16.4 entitled "Graphic Description of Development

Concept,” only Typical building plan or Schematic floor plans are required. Unit plans, elevation, sections, perspective or photographs and wall sections are not required.)

- Exhibit 16A: Accessibility Information
- Exhibit 20 Construction Financing
- Exhibit 21 Permanent Financing
- Exhibit 22 Equity Commitment (if applicable)
- Exhibit 23 Other Funding Commitments
- Exhibit 24 Rental Subsidies (if applicable)
- Exhibit 25 Owner/Developer/Consultant Profile
- Exhibit 26 Schedule of Real Estate Holdings, Certifications and Disclosures
- Exhibit 27 Architect’s Resume
- Exhibit 28 Management Agent Profile
- Exhibit 29 General Contractor’s Profile
- Exhibit 30 Financial Statement and Credit Release
- Exhibit 32 Individual Financial Profile (if applicable)
- Exhibit 33 General Contractor’s Financial Capacity (if applicable)

A copy of each of the above One Stop forms and exhibits is included with this RFP as Exhibit K. Respondents are advised that the One Stop Application and Exhibits are available on the web at www.onestopapp.com.

7. Certification of tax compliance (including M.G.L. c. 62C, § 49A) and Certificate of Non-Collusion (form Exhibit J).
8. Disclosure of beneficial interests (M.G.L. c7, 40J) (form Exhibit L)
9. Price Summary Form (Exhibit M)
10. Critical path time schedule conforming to Section VI(d) above.

IX SELECTION PROCESS

All proposals submitted by the Proposal Filing Deadline will be opened in public and logged in. All information contained in the proposals is public. The Town Manager and ACHC will review and evaluate all proposals that have been received by the Proposal Filing Deadline. Interviews with proposers who have submitted proposals meeting the minimum criteria will be conducted if necessary or desirable by the Town Manager and ACHC. Following the interviews and reference checks and receipt of any additional information requested of the proposers by the Town Manager and ACHC, proposals will be evaluated and rated by the Town Manager and the ACHC Selection Committee according to the comparative evaluation criteria set forth in this RFP. Recommendations will then be made to the Board of Selectmen for a final decision. The Board of Selectmen will select the most advantageous proposal from a responsible and responsive proposer, taking into consideration the proposed rent and all of the evaluation criteria set forth in this RFP. The Town, through the Town Manager, will notify all proposers in writing of its decision.

X. EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A	Chapter 487 of the Acts of 2002
B	Proposed Form of Lease
C	Property Description of Parcel A
D	Lease Area Plan of Land dated June 2, 2003
E	Guidance by Attorney General's Office
F	Guidance by the Chief Counsel of the Department of Housing and Community Development
G	Marchant/Hresko Feasibility Study
H	Environmental Report
I	Acton Sewer Assessment Bylaw
J	Certification of Tax Compliance and Certificate of Non-Collusion
K	FormOne Stop Application and Exhibits Forms
L	Disclosure of Beneficial Interests Form
M	Price Summary Form

B.S.
Budget

ACTON MUNICIPAL PROPERTIES DEPARTMENT
INTERDEPARTMENTAL COMMUNICATION

2/13
(8)

To: Don P. Johnson, Town Manager
From: Dean A. Charter, Municipal Properties Director
Subject: Additional funding for Towne Building

Date: 2/1/06

As of January 3, 2006, a total of \$17,569.50 remained in Article #38-4/01 RTN Towne School, out of the original appropriation of \$90,000.

When the Town first took over this decrepit building, it was assumed that we would be holding it for a relatively short period of time, and we attempted to maintain a certain amount of heat in the building to keep the sprinkler system operating and to prevent damage to the structure due to freeze, thaw and mildew. It became obvious after three years that this would be a long term situation, and that maintaining heat in the building was cost prohibitive. In December, 2004, we spent a substantial amount of money to winterize the building, drain all systems, and convert the sprinkler system to a "dry" system. This has resulted in substantial savings, since we no longer pay a gas bill, and the minor amount of electrical service is paid for by the School Department, as there is no practical way to separately meter this building (the entire school complex has primary metering). Since December, 2004, slightly less than \$20,000 has been expended on maintaining this building, with over half of that amount being spent on the above noted winterization.

An additional appropriation of \$10,000, bring the balance up to \$27,000, should be sufficient to carry the building until June, 2007, with the following caveats:

1. As noted above, the building was in very poor shape when we took control. This condition was due to the age of the building and the assumption by the School Department that it would be demolished, so virtually all maintenance was deferred.
2. Over the last four years the building has continued to deteriorate, and that rate is increasing since we eliminated heat.
3. The existing mechanical system can probably never be made to work again, the roof has a number of leaks, and the sprinkler system is a Rube Goldberg affair. All of the "temporary" provisions are subject to failure at any time.
4. We have thus far avoided boarding up the building. If we had to do that now, most likely securing the building would absorb the entire remaining appropriation.

In short, if nothing major goes wrong over the next year, a \$10,000 extra appropriation should suffice.

TOWNE BUILDING PROPOSALS
COMPARISON CHART
APRIL 4, 2006

CATEGORY	COMMON GROUND DEVELOPMENT	WOMEN'S INSTITUTE
Contact Name and Information	Steven Joncas, Exec. VP/CEO Common Ground Development Corp. William Lipchitz, Dep. Exec. Director Community Teamwork 167 Dutton St. Lowell MA 01852 978-452-3956	Loni Willey, Interim Executive Director 14 Beacon St. Ste. 608 Boston, MA 02108 617-367-0520
Units, number and mix of sizes	17 units: 2 Studios; 5 1-BR, 8 2-BR, 2 3-BR (2 baths)	18 units: 2 1-BR, 9 2-BR, 5 3-BR (1.5 baths)
Square footage of units (average)	Studio: 432; 1-BR: 777, 2-BR: 937, 3-BR: 1463	1 BR: 840, 2-BR: 1016. 3-BR: 1195
All rental units?	Yes	Yes
Affordability commitment of units (minimum of 20% at 50% AMI or 25% at 80% AMI)	60/40 split of market/affordable units with 40% of the units at 60% of the Area Median Income	100% affordable units. 4 units at 30% AMI; 3 units at 50% AMI; 11 units at 60% AMI
Affordable units	One Studio, two 1BR, three 2 BR, one 3BR	All
Number 3 bedroom units (minimum 2)	2	5
Number handicapped units (minimum 1, 2-BR unit)	1	2 (1 1-BR, 1 2-BR)
Rent proposed to be paid to Town	\$2500 per year to Town	50% of cash flow (start at ~\$6000/yr)
Rents for affordable units	Studio: \$868, 1-BR: \$930, 2-BR: \$1116 3-BR: \$1290	1-BR \$946 (30%AMI); \$710 (50%); \$851 (60%) 2-BR: \$1135 (30%); \$851 (50%); \$1022 (60%) 3-BR \$1313 (30%); \$985 (50%); \$1182 (60%)

TOWNE BUILDING PROPOSALS
COMPARISON CHART
APRIL 4, 2006

CATEGORY	COMMON GROUND DEVELOPMENT	WOMEN'S INSTITUTE
Rents for market units	Studio: \$846, 1-BR: \$1077, 2-BR \$1259, 3-BR: \$1473	N/A
Included in rent	Range, refrigerator, microwave, dishwasher, disposal, carpeting, central A/C, water (?) (no heat or hot water included)	Range, refrigerator, disposal, heat, hot water
Lease – requested changes	Changes submitted. Experience with long term lease in Westford	Changes proposed. Development agreement until construction closing (4/09)
Total Project Cost	\$4,096,331 \$194.54 per square foot	\$6,567,430 \$175.00 per square foot
Funding programs and dollar requests	HOME funding through DHCD \$950,000 MHIC Tax Credit Equity Investment (low income tax credits)\$1,100,000 Affordable Housing Trust Fund \$350,000 MHP MATCH program?? DHCD PBA Section 8 HC unit?? Historic Preservation Tax Credit?? MassDevelopment \$1,585,000	HOME funding through DHCD \$550,000 MHIC Tax Credit Equity Investment (low income tax credits)\$3,597,430 Affordable Housing Trust Fund \$1,000,000 CBH \$360,000 (new state fund for accessibility?) Town CPA Funds \$200,000
Sewer betterment estimate	\$148,000 (correct calculation)	\$240,000 (should be \$148,000)
Environmental features	Energy Star conservation measures	Maximize energy efficiency
Major systems to be replaced	New electrical, HVAC, plumbing	New gas heating system. New electric and plumbing
Exterior design	Replace roof if necessary (\$15,000), repair and repoint exterior (\$60,000)	Roof replacement and skylights (\$205,818), brick work repointed as needed.(\$20,000)
Windows, new or existing	New (\$194,000)	Existing made operable (\$12,193)
Elevator?	Yes	No

TOWNE BUILDING PROPOSALS
COMPARISON CHART
APRIL 4, 2006

CATEGORY	COMMON GROUND DEVELOPMENT	WOMEN'S INSTITUTE
Unique spaces	Consideration of Artists' lofts in studio or 1BR units; first floor laundry room	Community room. Office with atrium. Loft-style units on second floor. Laundry rooms on each floor.
Landscaping	\$40,000	\$14,632
Barrier on east boundary	Site fencing and improvement (\$50,000)	Site improvement (\$9,754)
Parking spaces	36	36
Development Schedule	Construction loan closing 3/15/07; construction start 4/15/07; Construction complete 9/15/07; Occupancy 9/1/08	Construction loan closing 4/09; Construction start 5/09; Construction complete 6/10; Occupancy 8/10
Permitting schedule	June '06 designation by town, 9 months for design, permitting and pricing	
National Historic Register	Seeks placement on the list to enhance Historic Investment Tax Credits Letter of approval required from Mass. Historical Commission	Letter of approval required from Mass. Historical Commission
Project Team	Steven Joncas, developer Community Teamwork, mortgagor JM Coull, contractor (Maynard based) Maugel Associates, architect (South Acton music center architect) Community Teamwork, Management Co. Hall, Finnegan & Deschenes, attorneys	Lynn Peterson, Women's Institute, developer/owner/mortgagor Bilt-Rite, contractor Elton-Hampton architects The Mackin Group, Management Agent Sherin & Logden, real estate attorneys Holland & Knight, tax attorneys
Property Management company	Community Teamwork	The Mackin Group

TOWNE BUILDING PROPOSALS
COMPARISON CHART
APRIL 4, 2006

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Experience in affordable housing	Common Ground recently completed a 15-unit mixed income rental project in partnership with Town of Westford and Westford Housing Authority. Has 5 affordable housing projects planned or under construction in Lowell Parent company Community Teamwork Inc. has been involved in housing for 40 years	25 years experience in developing affordable housing for low-income households. Recent conversion of an historic school building in New Bedford to 12 rental units and 4500 sf program space

Acton Community Housing Corporation

Nancy Tavernier, Chairman

TOWN OF ACTON

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

achc@acton-ma.gov

**TOWNE BUILDING PROPOSALS
INFORMATION PACKET
APRIL 6, 2006**

- I. Selection Committee members
- II. Chart comparing the proposals from Common Ground Development and Women's Institute
- III. 2006 HUD Income limits
- IV. 2006 HUD Maximum allowable rents
- V. The HOME Program (Common Ground & Women's Institute)
- VI. Low Income Housing Tax Credit Program (CG & WI)
- VII. Historic Preservation Tax Incentives (CG & WI)
- VIII. MHP MATCH program (CG)
- IX. Community Based Housing Program (WI)

TOWNE BUILDING SELECTION COMMITTEE MEMBERS
APRIL 6, 2006

Voting Members

Peter Ashton
Chairman

PKAshton@aol.com

Bob Whittlesey
ACHC

rbwhittlesey@verizon.net

Betty McManus
ACHC

naomimcmanus@comcast.net

Sharon McManus
School Committee

SSMcmanus@rcn.com, Ssm112001@aol.com

Dean Charter
Town Staff

dcharter@acton-ma.gov

Peter Berry
Citizen at large

pjberry@comcast.net, PBerry@dwbboston.com

Non-voting member

Nancy Tavernier
ACHC
Non-voting member
Resource person

ntavern@comcast.net

TOWNE BUILDING PROPOSALS
COMPARISON CHART
APRIL 4, 2006

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**2006 Low Income Housing Tax Credit Program
Income Limits**

Metropolitan Statistical Areas

	%AMI	<u>1 PR</u>	<u>2 PR</u>	<u>3 PR</u>	<u>4 PR</u>	<u>5 PR</u>	<u>6 PR</u>	<u>7 PR</u>
Barnstable Town	30%	15,050	17,200	19,350	21,500	23,200	24,950	26,650
2006 MFI: \$66,800	40%	20,080	22,960	25,800	28,680	30,960	33,280	35,560
	50%	25,100	28,700	32,250	35,850	38,700	41,600	44,450
	60%	30,120	34,440	38,700	43,020	46,440	49,920	53,340
Boston, Cambridge, Quincy	30%	17,700	20,200	22,750	25,250	27,250	29,300	31,300
2006 MFI: \$84,100	40%	23,560	26,920	30,280	33,640	36,320	39,040	41,720
includes Acton	50%	29,450	33,650	37,850	42,050	45,400	48,800	52,150
*Median Family Income	60%	35,340	40,380	45,420	50,460	54,480	58,560	62,580
Brockton	30%	15,500	17,700	19,900	22,100	23,900	25,650	27,400
2006 MFI: \$73,600	40%	20,640	23,560	26,520	29,480	31,800	34,160	36,520
	50%	25,800	29,450	33,150	36,850	39,750	42,700	45,650
	60%	30,960	35,340	39,780	44,220	47,700	51,240	54,780
Easton, Raynham	30%	19,650	22,500	25,300	28,100	30,350	32,600	34,850
2006 MFI: \$93,600	40%	26,200	29,960	33,680	37,440	40,440	43,440	46,440
	50%	32,750	37,450	42,100	46,800	50,550	54,300	58,050
	60%	39,300	44,940	50,520	56,160	60,660	65,160	69,660
Fall River-Providence- Warwick	30%	15,350	17,550	19,750	21,950	23,700	25,450	27,250
2006 MFI: \$64,000	40%	20,480	23,400	26,320	29,280	31,600	33,960	36,280
	50%	25,600	29,250	32,900	36,600	39,500	42,450	45,350
	60%	30,720	35,100	39,480	43,920	47,400	50,940	54,420
Fitchburg-Leominster	30%	15,050	17,200	19,350	21,500	23,200	24,950	26,650
2006 MFI: \$64,300	40%	20,080	22,960	25,800	28,680	30,960	33,280	35,560
	50%	25,100	28,700	32,250	35,850	38,700	41,600	44,450
	60%	30,120	34,440	38,700	43,020	46,440	49,920	53,340
Lawrence	30%	16,400	18,750	21,100	23,450	25,350	27,200	29,100
2006 MFI: \$78,200	40%	21,880	25,040	28,160	31,280	33,800	36,280	38,800
	50%	27,350	31,300	35,200	39,100	42,250	45,350	48,500
	60%	32,820	37,560	42,240	46,920	50,700	54,420	58,200
Lowell	30%	17,150	19,600	22,050	24,500	26,450	28,400	30,400
2006 MFI: \$81,600	40%	22,840	26,120	29,360	32,640	35,240	37,880	40,480
	50%	28,550	32,650	36,700	40,800	44,050	47,350	50,600
	60%	34,260	39,180	44,040	48,960	52,860	56,820	60,720
New Bedford	30%	15,350	17,550	19,750	21,950	23,700	25,450	27,200
2006 MFI: \$55,200	40%	20,480	23,400	26,320	29,280	31,600	33,960	36,280
	50%	25,600	29,250	32,900	36,600	39,500	42,450	45,350
	60%	30,720	35,100	39,480	43,920	47,400	50,940	54,420
Pittsfield	30%	15,050	17,200	19,350	21,500	23,200	24,950	26,650
2006 MFI: \$61,200	40%	20,080	22,960	25,800	28,680	30,960	33,280	35,560
	50%	25,100	28,700	32,250	35,850	38,700	41,600	44,450
	60%	30,120	34,440	38,700	43,020	46,440	49,920	53,340

STATE:MASSACHUSETTS

2006

INCOME LIMITS

PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Barnstable Town, MA MSA								
FY 2006 MFI: 66800 30% OF MEDIAN	15050	17200	19350	21500	23200	24950	26650	28400
VERY LOW INCOME	25100	28700	32250	35850	38700	41600	44450	47300
LOW-INCOME	40150	45900	51600	57350	61950	66550	71100	75700
Boston-Cambridge-Quincy, MA-NH MSA								
Boston-Cambridge-Quincy, MA-NH HMFA								
FY 2006 MFI: 84100 30% OF MEDIAN	17700	20200	22750	25250	27250	29300	31300	33350
50% VERY LOW INCOME	29450	33650	37850	42050	45400	48800	52150	55500
80% LOW-INCOME	46300	52950	59550	66150	71450	76750	82050	87350
Brockton, MA HMFA								
FY 2006 MFI: 73600 30% OF MEDIAN	15500	17700	19900	22100	23900	25650	27400	29200
VERY LOW INCOME	25800	29450	33150	36850	39750	42700	45650	48600
LOW-INCOME	41250	47150	53050	58950	63650	68400	73100	77800
Lawrence, MA-NH HMFA								
FY 2006 MFI: 78200 30% OF MEDIAN	16400	18750	21100	23450	25350	27200	29100	30950
VERY LOW INCOME	27350	31300	35200	39100	42250	45350	48500	51600
LOW-INCOME	41700	47700	53650	59600	64350	69150	73900	78650
Lowell, MA HMFA								
FY 2006 MFI: 81600 30% OF MEDIAN	17150	19600	22050	24500	26450	28400	30400	32350
VERY LOW INCOME	28550	32650	36700	40800	44050	47350	50600	53850
LOW-INCOME	41700	47700	53650	59600	64350	69150	73900	78650
Pittsfield, MA MSA								
Berkshire County, MA (part) HMFA								
FY 2006 MFI: 61900 30% OF MEDIAN	15050	17200	19350	21500	23200	24950	26650	28400
VERY LOW INCOME	25100	28700	32250	35850	38700	41600	44450	47300
LOW-INCOME	40150	45900	51600	57350	61950	66550	71100	75700
Pittsfield, MA HMFA								
FY 2006 MFI: 61200 30% OF MEDIAN	15050	17200	19350	21500	23200	24950	26650	28400
VERY LOW INCOME	25100	28700	32250	35850	38700	41600	44450	47300
LOW-INCOME	40150	45900	51600	57350	61950	66550	71100	75700
Providence-New Bedford-Fall River, RI-MA MSA								
Easton-Raynham, MA HMFA								
FY 2006 MFI: 93600 30% OF MEDIAN	19650	22500	25300	28100	30350	32600	34850	37100
VERY LOW INCOME	32750	37450	42100	46800	50550	54300	58050	61800
LOW-INCOME	41900	47900	53850	59850	64650	69450	74200	79000
New Bedford, MA HMFA								
FY 2006 MFI: 55200 30% OF MEDIAN	15350	17550	19750	21950	23700	25450	27200	28950
VERY LOW INCOME	25600	29250	32900	36600	39500	42450	45350	48300
LOW-INCOME	41000	46850	52700	58550	63250	67900	72600	77300
Providence-Fall River, RI-MA HMFA								
FY 2006 MFI: 64000 30% OF MEDIAN	15350	17550	19750	21950	23700	25450	27250	29000
VERY LOW INCOME	25600	29250	32900	36600	39500	42450	45350	48300
LOW-INCOME	41000	46850	52700	58550	63250	67900	72600	77300

2006 Low Income Housing Tax Credit Program Maximum Allowable Rents

Metropolitan Statistical Area and Non-Metropolitan County, the rent limits are calculated by size of household and targeted income population. The first number listed in each category is the rent limit for projects targeting persons at or below 30% of the area median income. The second, third and fourth numbers are rent limits for projects targeting persons at or below 40%, 50% and 60% of the area median income respectively.*

Metropolitan Statistical Areas

	%AMI	<u>SRO/Studio</u>	<u>1 BR</u>	<u>2 BR</u>	<u>3 BR</u>	<u>4 BR</u>
Barnstable Town	30%	\$376	\$403	\$483	\$558	\$623
2006 MFI: \$66,800	40%	\$502	\$538	\$645	\$745	\$831
	50%	\$627	\$672	\$806	\$931	\$1,040
	60%	\$753	\$807	\$967	\$1,118	\$1,248
Boston, Cambridge, Quincy	30%	\$442	\$473	\$568	\$656	\$731
2006 MFI: \$84,100	40%	\$589	\$631	\$757	\$874	\$975
includes Acton	50%	\$736	\$788	\$946	\$1,093	\$1,220
	60%	\$883	\$946	\$1,135	\$1,311	\$1,464
Brockton	30%	\$387	\$415	\$497	\$575	\$641
2006 MFI: \$73,600	40%	\$516	\$552	\$663	\$766	\$854
	50%	\$645	\$690	\$828	\$957	\$1,067
	60%	\$774	\$828	\$994	\$1,149	\$1,281
Easton, Raynham	30%	\$491	\$526	\$632	\$730	\$815
2006 MFI: \$93,600	40%	\$655	\$702	\$842	\$973	\$1,086
	50%	\$818	\$877	\$1,052	\$1,216	\$1,357
	60%	\$982	\$1,053	\$1,263	\$1,460	\$1,629
Fall River-Providence- Warwick	30%	\$383	\$411	\$493	\$570	\$636
2006 MFI: \$64,000	40%	\$512	\$548	\$658	\$761	\$849
	50%	\$640	\$685	\$822	\$951	\$1,061
	60%	\$768	\$822	\$987	\$1,141	\$1,273
Fitchburg-Leominster	30%	\$376	\$403	\$483	\$558	\$623
2006 MFI: \$64,300	40%	\$502	\$538	\$645	\$745	\$831
	50%	\$627	\$672	\$806	\$931	\$1,040
	60%	\$753	\$807	\$967	\$1,118	\$1,248
Lawrence	30%	\$410	\$439	\$527	\$610	\$680
2006 MFI: \$78,200	40%	\$547	\$586	\$704	\$813	\$907
	50%	\$683	\$733	\$880	\$1,016	\$1,133
	60%	\$820	\$879	\$1,056	\$1,220	\$1,360
Lowell	30%	\$428	\$459	\$551	\$636	\$710
2006 MFI: \$81,600	40%	\$571	\$612	\$734	\$848	\$946
	50%	\$713	\$765	\$917	\$1,060	\$1,183
	60%	\$856	\$918	\$1,101	\$1,272	\$1,420

Metropolitan Statistical Areas cont'd

		<u>SRO/Studio</u>	<u>1 BR</u>	<u>2 BR</u>	<u>3 BR</u>	<u>4 BR</u>
New Bedford	30%	\$383	\$411	\$493	\$570	\$636
2006 MFI: \$55,200	40%	\$512	\$548	\$658	\$761	\$848

CG & WI

The HOME Program

Fact Sheet

The HOME program is a federal housing program established by the U.S. Congress as part of the Cranston-Gonzalez National Affordable Housing Act of 1990. It is a flexible housing block grant that is distributed on an entitlement basis to states, larger cities and consortia of smaller communities. The Commonwealth's allocation of HOME funds is administered by the Department of Housing and Community Development (DHCD).

division of housing development



Mitt Romney, Governor
Kerry Healey, Lieutenant Governor
Jane Wallis Gumble, Director

Massachusetts
Department of Housing &
Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

(617)573-1100
<http://www.mass.gov/dhcd>

How it works

Typically, DHCD administers HOME funds for the following types of eligible housing programs:

1. Rental housing production and rehabilitation
2. First-time homebuyer housing production
3. First-time homebuyer development assistance

At least 15% of HOME funds must be awarded to nonprofit Community Housing Development Organizations (CHDOs), as defined by HUD. Approximately 60 nonprofit organizations in Massachusetts qualify as CHDOs with DHCD.

Rental programs are targeted to households earning less than 60% of area income. Homebuyer programs are targeted to households with incomes below 80% of area median income.

HOME funds are awarded competitively.

Who is eligible

For-profit developers, non-profit developers, non-profit organizations constituted as CHDO's and municipalities. All applications require the approval of the chief elected official of the community.

Awards

The maximum award amount is \$750,000 for rental and project-based homeownership projects. Purchaser-based proposals may receive
(continued)

a maximum award of \$250,000. HOME awards typically are made as loans to eligible recipients.

**Application
process**

Notices of Funding Availability (NOFAs) are issued twice a year for the rental program. DHCD accepts first-time homebuyer housing production applications on a rolling basis. First-time homebuyer downpayment assistance NOFAs generally are issued once a year. The following guidelines apply to the different types of HOME projects:

Rental program — applicants are eligible to apply for 30 year deferred payment loans to support acquisition and/or rehabilitation of existing structures or new construction for multifamily rental use. The minimum project size is five assisted units. Loan amounts are capped at \$750,000 per project and \$50,000 per HOME-assisted unit in HOME entitlement communities and \$65,000 in non-entitlement communities. All units must be targeted to households earning no more than 60% of area median income. Twenty percent of the households must be affordable to units earning no more than 50% of area median income.

First-time homebuyer housing production — applicants are eligible to apply for funds to support acquisition and/or rehab of existing structures for sale to income-eligible first-time home buyers. Applicants also may seek funds for new construction of homeownership projects. The minimum project size is three HOME-assisted ownership units.

First-time homebuyer downpayment assistance program — applicants may apply for funds to provide low-income households with downpayment and/or closing cost assistance. Purchaser-based funds may not be used to assist homebuyers purchasing units with project-based first-time homebuyer funds.

**For more
information**

Please call the Division of Housing Development at (617) 573-1300.

CG + W1

division of housing development



Mitt Romney, Governor
Kerry Healey, Lieutenant Governor
Jane Wallis Gumble, Director

Massachusetts
Department of Housing &
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Low Income Housing Tax Credit Program

Fact Sheet

The Low Income Housing Tax Credit (LIHTC) was created by Congress under Section 252 of the Tax Reform Act of 1986 to promote the construction and rehabilitation of housing for low-income persons. The tax credit provides a means by which developers may raise capital for the construction or acquisition and substantial rehabilitation of housing for low income persons. Under the federal income tax code, investors in low-income rental housing are permitted to take a credit against taxes owed the federal government. In Massachusetts, the Department of Housing and Community Development (DHCD) is the allocating agency for tax credits. DHCD is responsible for preparing the annual allocation plan and making it available for review by interested members of the public before final publication. Because it depends on investor capital rather than just direct government subsidies, the LIHTC has imposed market discipline that results in long term stability for the projects. Investors assume significant risks and assert strict business discipline in selecting projects and overseeing their development and long-term operations.

How it works

Developers of affordable rental housing developments apply to DHCD for tax credits. If they are awarded the credit, the developers (either for-profit or nonprofit) seek investors to help pay for the development of the housing. Intermediaries (known as syndicators) act as a bridge between investors and projects and often pool investors' money into equity funds. In exchange for providing development funds, the investors receive a stream of tax credits. Projects can qualify for two types of credits: a 9% credit, or a 4% credit.* Tax credits can be claimed by the investors for 10 years. For example, based on an investor willing to pay \$.75/tax credit dollar, a project eligible for \$500,000 in annual credits, would receive \$3,750,000 (\$500,000 in credit x 10 years x \$.75) in equity.

(continued)

* 4% tax credits are allocated by the MassHousing (formerly Massachusetts Housing Finance Agency) in conjunction with MassHousing's tax-exempt bond financing. The Massachusetts Development Finance Agency (MDFA) also allocates 4% tax credits in conjunction with tax-exempt bonds.

Who
is eligible

Both for-profit and nonprofit developers can qualify for the credit. At least 20% of the units must be reserved for persons with incomes at/or below 50% of the area median income adjusted for family size; or at least 40% of the units must be made affordable for persons with incomes at/or below 60% of the area median income adjusted for family size. In addition, the project must be retained as low-income housing for at least 30 years.

For further
information

Please call the Division of Housing Development at (617) 573-1300.

National Park Service

National Park Service
U.S. Department of the Interior



Historic Preservation Tax Incentives

Technical Preservation Services



About the Tax Incentives

Incentives!

A Guide to the Federal Historic Preservation Tax Incentives Program for Income-Producing Properties

Annual Report

Program Regulations - 36 CFR 67

Certification Application

Check the Status of Your Project

This database is best read with Internet Explorer 5 and above and Netscape 6 and above browsers.

Program Administration

National Park System Advisory Board Committee on the Federal Historic Rehabilitation Tax Credit Program

The IRS Connection

Standards for Rehabilitation

Illustrated Rehabilitation Guidelines

The Federal Historic Preservation Tax Incentives program is one of the nation's most successful and cost-effective community revitalization programs. The program fosters private sector rehabilitation of historic buildings and promotes economic revitalization. It also provides a strong alternative to government ownership and management of such historic properties. The Federal Historic Preservation Tax Incentives are available for buildings that are National Historic Landmarks, that are listed in the National Register, and that contribute to National Register Historic Districts and certain local historic districts. Properties must be income-producing and must be rehabilitated according to standards set by the Secretary of the Interior.

Program Partners

Jointly managed by the National Park Service and the Internal Revenue Service in partnership with State Historic Preservation Offices, the Historic Preservation Tax Incentives program rewards private investment in rehabilitating historic buildings. Prior to the program, the U.S. tax code favored the demolition of older buildings over saving and using them. Starting in 1976, the Federal tax code became aligned with national historic preservation policy to encourage voluntary, private sector investment in preserving historic buildings.

How We Help

The Historic Preservation Tax Incentives have proven to be an invaluable tool in revitalizing communities and preserving the historic places that give cities, towns, and rural areas their special character. The Historic Preservation Tax Incentives generate jobs, both during the construction phase and in the spin-off effects of increased earning and consumption. Rehabilitation of historic buildings attracts new private investment to the historic core of cities and towns and is crucial to the long-term economic health of many communities. Enhanced property values generated by the Historic Preservation Tax Incentives program result in augmented revenues for local and state government.

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**Interpreting the
Standards Bulletins**

through increased property, business, and income taxes. Historic Preservation Tax Incentives also create moderate and low-income housing in historic buildings.

**Case Studies in
Affordable Housing****Statistics**

Since 1976, the Historic Preservation Tax Incentives have produced these benefits for the nation:

**Historic Preservation
Easements**

- rehabilitated more than 32,000 historic properties
- stimulated over \$33 billion in private investment
- rehabilitated more than 185,000 housing units and created over 140,000 housing units, of which over 75,000 are low and moderate-income units

National Park Service

U.S. Department of the Interior

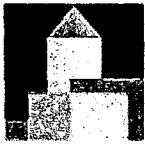
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FirstGov

Common Ground
proposal



MASSDEVELOPMENT



MATCH Program

Massachusetts Tax-exempt Credit for Housing

Obtaining tax-exempt financing has long been a challenge for affordable housing developers needing less than \$3 to \$15 million. Recognizing that smaller scale affordable rental housing is needed in all areas of the Commonwealth, MassDevelopment and the Massachusetts Housing Partnership Fund (MHP) have teamed up to offer The MATCH Program – Massachusetts Tax-exempt Credit for Housing.

The MATCH Program gives owners of affordable multi-family housing permanent tax-exempt bond financing. Bonds are guaranteed by a letter of credit from the Federal Home Loan Bank, giving them a AAA credit rating and the lowest possible rates.

Program Specifics

Who is eligible?

- For-profit and non-profit organizations.

What can be financed?

- Eligible projects are multifamily rental housing developments with at least 20% of the units affordable to renters earning up to 50% of area median income, or at least 40% of the units affordable to renters earning up to 60% of median area income.
- Financing is available in amounts ranging from \$3-\$15 million per project. If feasible, projects exceeding \$15 million may be financed with additional subordinate debt.
- Bond proceeds may be used for acquiring expiring use properties, refinancing existing properties, or take-out financing for newly constructed properties.
- Minimum debt service coverage ratio is 110%; maximum loan-to-value ratio is 85%.
- Assistance in obtaining construction financing will be provided if needed.

How do the bonds work?

- Bonds are issued by MassDevelopment on behalf of MHP. MHP gives the project sponsor a mortgage loan for the full amount of the bond issue.
- Mortgage loans are secured by a first lien on the property and rental revenues.
- Bonds are issued with a fixed interest rate for a 20-year term with a 30-year amortization, leaving a balloon payment due at maturity.
- Bonds are credit-enhanced by a 20-year AAA-rated letter of credit from the Federal Home Loan Bank.

(over)

What fees and interest rates can be expected?

- Bonds are issued with fixed interest rates. Interest rates for AAA rated bonds of similar maturities have ranged from 5.25-5.50% as of August, 2001.
- In addition to interest payments, an annual letter of credit fee of 1-1.25% is due depending on the amount borrowed and credit profile.
- Closing costs are dependent in part on the amount financed, and can be financed in an amount not to exceed 2% of the total bond issue. Borrowers may request a full estimate of closing costs before submitting an application.
- There is a 10 basis point application fee due to MHP at time of application.

What is the application process?

- A completed application is submitted to MHP and MassDevelopment for review.
- Upon approving the project's eligibility and credit, MHP's and MassDevelopment's boards of directors will vote on the project and the bonds can proceed to closing.
- Borrowers should allow a minimum of 90 days from application to closing.

About MassDevelopment and MHP

MassDevelopment is the Commonwealth's economic development authority, providing real estate development and financial support to projects that provide community benefits. Products are offered to support projects at every stage, from predevelopment and environmental remediation funding to tax-exempt bonds and loans and guarantees for real estate and equipment. MassDevelopment is one of the largest issuers of tax-exempt bonds in the state, having issued over \$12.8 billion in bonds for over 3000 projects.

The Massachusetts Housing Partnership Fund (MHP) is a primary lender for the development and financing of affordable housing in the Commonwealth. MHP provides a variety of innovative financing programs ranging from predevelopment assistance to long-term financing for multifamily properties. Established in 1985, MHP has helped over 5,000 families buy their first home, financed the production of more than 10,000 housing units and helped organize housing partnerships in more than 200 cities and towns across the state.

For more information:

- Please call MHP at 877-MHP-FUND, or MassDevelopment's marketing department at 800-445-8030. Or visit our websites at www.mhpfund.com or www.massdevelopment.com.

Community Based Housing Program (CBH)

Women's Institute proposes \$350,000 from this fund for handicapped units

Program Description: The CBH Program provides funding for the development of integrated housing for people with disabilities, including elders, with priority for individuals who are in institutions or nursing facilities or at risk of institutionalization.

Eligible Borrowers: Nonprofit entities or entities controlled by non-profits

Eligible Activities: Reasonable acquisition, rehabilitation, new construction, predevelopment and other "soft" costs.

Eligible Populations: CBH Program excludes clients of the DMH and DMR but includes many other people with disabilities who are institutionalized or at risk of institutionalization. For CBH, a disabled person must have a physical or mental impairment of a permanent or long and continuous duration that substantially limits one or more major life activities. The physical or mental impairment must be medically demonstrable by acceptable clinical and laboratory diagnostic techniques.

Eligible populations include adults with a broad range of disabilities including mobility impairments, cerebral palsy, multiple sclerosis, muscular dystrophy, epilepsy, HIV/AIDS, brain or spinal cord injuries, sensory disabilities, emotional disabilities and cognitive disabilities.

Eligible Housing Types: Priority will be given to projects that provide integrated housing such as several CBH units within a larger rental building or development. Ideally, no more than 15% of the units should be for people with disabilities. Rental projects are more likely to be more appropriate for CBH-eligible populations but ownership units are allowed.

Accessibility: The CBH Program does not require all units to be fully accessible. However, accessibility through visitability is strongly encouraged. Visitability includes accessible front doors to units, accessible circulation to public spaces and amenities within a building, and an accessible bathroom on the first floor of a building.

Maximum Loan Amount: CBH loans may be up to 50% of total development costs for the CBH units in a development, up to a maximum of \$750,000.

Rate and Term of Loan: Loans will be structured as 0%, deferred payment loans for a term of 30 years.

Security: At a minimum, CBH loans will be secured by a recorded development loan agreement, mortgage, promissory note, and land use restriction. Loan closing documents will be modeled on those used for HIF and FCF, including right of first refusal and right to purchase upon sale or transfer.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9629
Fax (978) 264-9630

Municipal Properties Department

April 24, 2006

Mr. Steven Joncas
Common Ground Development Corporation
FAX 978-452-3967

Dear Mr. Joncas,

As I noted in my voice mail message to you earlier today, the Towne Reuse Committee met this morning and developed a list of questions that will be asked of both submitters during the interview on Thursday evening. In addition to the general questions which will be asked of both parties, there are a series of questions that will be unique to each presentation, based on our review of the proposals submitted. The committee wanted me to convey those specific questions to each party so that you will have some time to prepare a response. The specific questions for your organization are listed below. No response is needed prior to the interview on Thursday.

1. Please be prepared to tell us about the role MassDevelopment will play in the financing of the development and what special requirements they might have in regard to the number and income mix of the units.
2. Please be prepared to explain in more detail the following information on the funding sources you propose to use:
 - the funding programs themselves,
 - the project components that are tied to these funding program,
 - the dates of the funding cycles,
 - the likelihood of being awarded the funds,
 - your history with each funding program, and
 - what your fall-back position is for any of the funds that are not awarded
3. Please be prepared to discuss your development timetable.
4. Please discuss the feasibility of the proposed rental rates, both market and affordable, and consistency with the funding program requirements
5. Your construction model seems to envision a Design-Build model, rather than the Design-Bid-Build format that is more common in public construction projects. How is independent engineering and architectural review accomplished under such a model?
6. Did your budget envision the use of Prevailing Wages?

Sincerely,

Dean A. Charter, MCPPO
Municipal Properties Director

Common Ground

SECTION ONE-Project Description

- 1.) Project listed as ^{Middlesex}~~Essex~~ County and—OK
- 2.) Construction starts in one year—OK?
- 3.) Gross square footage: 21,056—is that correct?
- 4.) Laundry facilities 1st floor—if coin operated, where in budget, how will it effect water & sewer expenses?
- 5.) Elevator included--OK
- 6.) Wall-to wall carpet--OK
- 7.) Can we confirm asbestos and lead paint? Not in environmental info

SECTION 2: Development team

- 1.) Who is the syndicator—who will buy tax credits?

SECTION 3: Sources & Uses/Tax Credits

- 1.) Requires \$0 CPA funds--OK
- 2.) Project is using tax exempt financing. That is a 4% credit, not a 9% credit. This is **VERY IMPORTANT**.
- 3.) Tax credit equity based on \$.80 for LIHTC—market closer to \$.90
- 4.) Tax credit equity based on \$.80 for Historic Credit—market closer to \$1.00
- 4.) See attached budget comments

Uses of Funds

The Contractor certifies that, to the best of their knowledge, the construction estimates, and trade-item breakdown on this page are complete and accurate.

Direct Construction:

105 . Who prepared the estimates?

	17	
Name		Signature

106 . Basis for estimates?

--

DV	Trade Item	Amount	Per Unit	Description
107 . 3	Concrete	34,425	2,025	Sidewalks & trench infill
108 . 4	Masonry	60,000	3,529	Exterior masonry restoration Need scope
109 . 5	Metals	75,000	4,412	Misc iron, stair rails Need to know for what
110 . 6	Rough Carpentry	7,200	424	wood blocking & carpentry Low?
111 . 6	Finish Carpentry	136,000	8,000	Millwork
112 . 7	Waterproofing	30,000	1,765	Minor roof repairs
113 . 7	Insulation	0	0	Thermal insulation carried with drywall
114 . 7	Roofing	15,000	882	Minor roof repairs
115 . 7	Sheet Metal and Flashing	0	0	
116 . 7	Exterior Siding	0	0	
117 . 8	Doors	113,550	6,679	Interior doors, frames, hardware 200 Doors = \$500 per door
118 . 8	Windows	194,000	11,412	Replace windows Need to be replaced
119 . 8	Glass	31,000	1,824	Entry frames doors and hardware Need the specs
120 . 9	Lath & Plaster	0	0	
121 . 9	Drywall	271,278	15,958	Drywall and insulation
122 . 9	Tile Work	0	0	
123 . 9	Acoustical	0	0	
124 . 9	Wood Flooring	0	0	
125 . 9	Resilient Flooring	41,190	2,423	
126 . 9	Carpet	48,810	2,871	
127 . 9	Paint & Decorating	100,000	5,882	
128 . 10	Specialties	6,000	353	Toilet accessories
129 . 11	Special Equipment	0	0	
130 . 11	Cabinets	4,500	265	Fire extinguisher cabinets
131 . 11	Appliances	84,200	4,953	Appliances Need specs--too high
132 . 12	Blinds & Shades	24,000	1,412	
133 . 13	Modular/Manufactured	0	0	
134 . 13	Special Construction	0	0	
135 . 14	Elevators or Conveying Syst.	90,000	5,294	Where is it going?
136 . 15	Plumbing & Hot Water	185,000	10,882	On the high side--need specs
137 . 15	Heat & Ventilation	67,500	3,971	On the high side--need specs
138 . 15	Air Conditioning	67,500	3,971	On the high side--need specs
139 . 15	Fire Protection	39,900	2,347	Sprinkler??
140 . 16	Electrical	200,000	11,765	On the high side--need specs
141 .	Accessory Buildings	0	0	
142 .	Other/misc	0	0	
143 .	Subtotal Structural	1,926,053	113,297	
144 . 2	Earth Work	132,910	7,818	Need scope
145 . 2	Site Utilities	0	0	with earthwork
146 . 2	Roads & Walks	0	0	with earthwork
147 . 2	Site Improvement	50,000	2,941	Site fencing Need scope
148 . 2	Lawns & Planting	40,000	2,353	Need scope
149 . 2	Geotechnical Conditions	0	0	
150 . 2	Environmental Remediation	50,000	2,941	Based on ?
151 . 2	Demolition	100,000	5,882	
152 . 2	Unusual Site Cond	148,000	8,706	Sewer hook-up Not a construction cost--can be spread out
153 .	Subtotal Site Work	520,910	30,642	
154 .	Total Improvements	2,446,963	143,939	
155 . 1	General Conditions	377,724	22,219	Misc Need break-down
156 .	Subtotal	2,824,687	166,158	
157 . 1	Builders Overhead	183,605	10,800	6.50%
158 . 1	Builders Profit	0	0	0.00%
159 .	TOTAL	3,008,292	176,958	

160

Total Cost/square foot:

\$126.40

Residential Cost/s.f.:

\$126.40

Development Budget:

	Total	Residential	Per Unit	Commercial	Comments
161 . Acquisition: Land	\$27,500	\$27,500			
162 . Acquisition: Building	\$0				
163 . Acquisition Subtotal	\$27,500	\$27,500	\$1,618	\$0	
164 . Direct Construction Budget	\$3,008,292	\$3,008,292	\$176,958		(from line 159)
165 . Construction Contingency	\$150,415	\$150,415	\$8,848		5.0% of construction
166 . Subtotal: Construction	\$3,158,707	\$3,158,707	\$185,806	\$0	

General Development Costs:

167 . Architecture & Engineering	\$0	\$0	\$0		Included in construction budget
168 . Survey and Permits	\$10,000	\$10,000	\$588		Permits included in const budget check w/Town for permit
169 . Clerk of the Works	\$12,000	\$12,000	\$706		
170 . Environmental Engineer	\$5,000	\$5,000	\$294		Who-need name
171 . Bond Premium	\$0	\$0	\$0		Included in construction budget
172 . Legal	\$100,000	\$100,000	\$5,882		Underwriter and bond counsel, MHP, bor need break-out
173 . Title and Recording	\$15,000	\$15,000	\$882		
174 . Accounting & Cost Cert.	\$3,500	\$3,500	\$206		
175 . Marketing and Rent Up	\$125,000	\$125,000	\$7,353		Assumed 25K for marketing, 100k for let need break-out for lease-u
176 . Real Estate Taxes	\$10,000	\$10,000	\$588		
177 . Insurance	\$18,000	\$18,000	\$1,059		
178 . Relocation	\$0	\$0	\$0		
179 . Appraisal	\$5,000	\$5,000	\$294		Can it be done cheaper?
180 . Security	\$1,000	\$1,000	\$59		
181 . Construction Loan Interest	\$45,200	\$45,200	\$2,659		
182 . Inspecting Engineer	\$8,200	\$8,200	\$482		
183 . Fees to: Trustee	\$5,000	\$5,000	\$294		
184 . Fees to: Rating Agency	\$13,000	\$13,000	\$765		need break-out
185 . MIP	\$0	\$0	\$0		
186 . Credit Enhancement Fees	\$0		\$0		
187 . Letter of Credit Fees	\$25,000	\$25,000	\$1,471		Letter of Credit fees to whom?
188 . Other Financing Fees	\$32,000	\$32,000	\$1,882		Match app and Commitment fees to whom?
189 . Development Consultant	\$50,000	\$50,000	\$2,941		Not listed in application
190 . Other: Printing	\$4,000	\$4,000	\$235		\$2 per page?
191 . Other:	\$0	\$0	\$0		
192 . Soft Cost Contingency	\$50,000	\$50,000	\$2,941		10.3% of soft costs Too much
193 . Subtotal: Gen. Dev.	\$536,900	\$536,900	\$31,582	\$0	

194 . **Subtotal: Acquis., Const., and Gen. Dev.** \$3,723,107 \$3,723,107 \$219,006 \$0

195 . Capitalized Reserves	\$5,525	\$5,525	\$325		Assumes 325/unit
196 . Developer Overhead	\$183,850	\$183,850	\$10,815		Assumes 5% 4.9% TDC
197 . Developer Fee	\$183,850	\$183,850	\$10,815		Assumes 5% 4.9% TDC

198 . **Total Development Cost** \$4,096,332 \$4,096,332 \$240,961 \$0 **TDC per unit** \$240,961

199 . **TDC, Net** \$4,090,807 \$4,090,807 \$240,636 \$0 **TDC, Net per unit** \$240,636

TO: Dean Charter
FROM: Nancy Tavernier
SUBJECT: Questions for bidders Towne Building
DATE: April 24, 2006
Cc Selection Committee

This is a list of concerns that was generated by the Committee today and my suggestion for the wording of the questions and who they should go to.

General Concerns:

1. Financing the proposals – more details needed
2. Project and Construction schedule
3. Unit mix
4. Income mix
5. Changes to the lease
6. Corrections needed in some of the numbers e.g. operating costs, sewer betterments, no fees for architect
7. Feasibility of proposed rents, market and affordable
8. Impact on town and schools due to location

Women's Institute

1. Exhibit M was not submitted with your proposal, it is the Price Summary Form that was one of the attachments to the RFP. Please provide this information.
2. Please be prepared to explain in more detail the following information on the funding sources you propose to use:
 - the funding programs themselves,
 - the project components that are tied to these funding program,
 - the dates of the funding cycles,
 - the likelihood of being awarded the funds,
 - your history with each funding program, and
 - what your fall-back position is for any of the funds that are not awarded
3. Explain the rationale for your development schedule.
4. Would Women's Institute be willing to include in the development costs the maintenance and holding costs of the building that will be incurred prior to construction?
5. Please tell us who the project management team will be.
6. If requested, would you consider an alternate unit mix, such as fewer three-bedroom units?

7. How would a request for some number of market rate units affect your proposal?

Common Ground Development

1. Please be prepared to tell us about the role MassDevelopment will play in the financing of the development and what special requirements they might have in regard to the number and income mix of the units.

2. Please be prepared to explain in more detail the following information on the funding sources you propose to use:

- the funding programs themselves,
- the project components that are tied to these funding program,
- the dates of the funding cycles,
- the likelihood of being awarded the funds,
- your history with each funding program, and
- what your fall-back position is for any of the funds that are not awarded

3. Please be prepared to discuss your development timetable.

TOWNE BUILDING RE-USE DEVELOPER SELECTION COMMITTEE

Developer Selection - Final Meeting
May 1, 2006 8:00AM-9:00AM
Acton Town Hall

Members Present: Peter Ashton, Peter Berry, Dean Charter, Sharon McManus, Bob Whittlesey, Betty McManus, Nancy Tavernier

Purpose: To select a developer for the Towne Building to be recommended to the Town Manager

Comments by Members on the two proposals for the Reuse of the Towne Building, Women's Institute and Common Ground Development Corporation:

1. Sharon McManus

- Was not able to judge the proposed financing programs due to a lack of knowledge of the field.
- Concerned that Women's Institute wasn't fully committed to the project since they only had 3 presenters and it did not include the Interim Executive Director. They may be over committed having completed 500 units and working on 290 presently.
- Likes the mix of units proposed by Common Ground. The construction schedule for both proposals is probably the same so it would be a wash.
- Acton would be a priority for Common Ground since they are a new developer and determined to make it work.
- Likes the parent company, CTI due to good financial backing and the social services offered especially from the schools' perspective. Having a connection in West Concord, and offering tenant education course is a plus.

Selection: Common Ground

2. Dean Charter

- Either proposer would be OK. He is sensitive to the need for affordable housing for Town employees.
- The unit and income mix of Common Ground is more consistent with the character of Acton.
- Women's Institute proposal has too many bedrooms causing a greater impact on town and school services
- Common Ground did due diligence on the building with many visits made by the development team members. Women's Institute only visited during the mandatory site visit which to his recollection was the same situation in 2003.

Selection: Common Ground

3. Peter Berry

- Thinks both have the capacity to get the job done and both could get financing.

- Women's Institute seemed to be reluctant to move off the unit mix due to their funding proposal. They liked the 3 BR.
- Liked the Common Ground presentation better and the project management team

Selection: Common Ground

4. Peter Ashton

- This was a difficult decision but he is leaning toward Common Ground.
- He liked the Common Ground project team especially the architect, Mangel Architects
- He liked the builder and thought having a local connection (Maynard based) was good
- Just because Common Ground is new to the field of affordable housing development should not be a deterrent since everyone has to begin somewhere
- The Westford project is impressive
- Common Ground is hungry and they will make it work. Their pro forma was more realistic

Selection: Common Ground

5. Betty McManus

- Focused on the School Committee negotiations in 2002, the promises that were made then and at the April 2002 Town Meeting in regard to a mixed income, mixed unit project.
- Concern about Women's Institute's 100% affordable unit proposal due to years of experience with similar densities of so many low income families together in close quarters. The Housing Authority has good success with the scattered site condo units as a good working model of mixed income.
- Concerned that there is no Executive Director at Women's Institute
- Impressed with the property maintenance program in place, they seem to know of the need to deal with tenants

Selection: Common Ground

6. Nancy Tavernier

- Applied the Comparative Evaluation Criteria suggested by MHP document
- Affordability proposal: a mixed income model is more compatible with the high visibility location and close proximity to the schools
- Development experience: Women's Institute has more development experience and a relevant project in New Bedford, Acushnet Commons
- Developer Financial Capacity: Common Ground has the financial backing of the parent company CTI whose net worth indicates the ability to fund problems that come along. Common Ground stronger in this area.
- Feasibility of Development Plan: Common Ground did due diligence on the building whereas Women's Institute proposes lofts but never explored the feasibility beyond a quick look at the attic area. Common Ground should

have a good understanding of the challenges of the site and the project after spending so much time on site.

- Ability to secure financing: Both groups could secure the financing
- Proposed Design: Women's Institute has too many 3 BR units, the Community Room is too grandiose, and no elevator is proposed. Common Ground has a good mix of units and a good architect who is sensitive to the importance of historic preservation.
- The bottom line is the Women's Institute proposal is consistent with their mission to serve low income families with children, but it is not a compatible model for a suburban community such as Acton. This is a case where perception becomes reality. There was too much controversy about the affordable housing use of this building to risk approving a model that was significantly different than what was presented by ACHC to Town Meeting.

Selection: Common Ground

7. Bob Whittlesey

- Going to abstain from the vote but offered comments.
- Did a calculation of the rents and found that in a mixed income model like Common Ground's, the lower income units end up subsidizing the market units with higher rents. The impact is roughly \$200 a month more that the low income tenants pay to make the project work.
- This is our chance to get more low income units in Acton which are badly needed. 18 units for WI versus 7 with Common Ground and not as low income.
- WI was asked to analyze inclusion of some market units and they dismissed the idea. Some market units could have been included with possible cost revisions.
- Prevailing wages should not have been included in any initial proposal.
- It is not clear who the project team would be, that is a problem. WI would be easier to work with then CG.
- CG's One-Stop exhibits need to be corrected and as corrected demonstrate that development is still feasible. There is excess HOME funding, a miscalculation in the credits and an error in rental income calculations. Operating expenses are very low. WI is using 9% tax credits and CC using 4% credits in conjunction with Tax exempt bond financing. The latter is OK but does not provide the level of subsidy. CG has not had experience with 9% credits.
- Developers who go to DHCD for 9% tax credits without experience in tax credit projects may encounter problems getting approval
- CG's estimated costs are low and they would be in difficulties if any extraordinary costs were encountered.
- CG starts off with a weak financing model and may have to come back to the town for help .
- Operating budget is inadequate and needs to be changed since any adjustments upward go right into the rents which will increase them.

- Westford project not a good comparable, the financing was very different since it was a MHP PILOT project that included \$1M up front money for development.
- CTI, the parent company is the strength of the CG project and provides community services
- A Design/Build model CG is proposing is a way to save money but it may also reduce the quality of construction.
- **We need new financials from Common Ground.**
- Need to tie CTI to provide services to tenants since they do that now.
- Need to have quality assurance for construction beyond just what is required for code.
- Need to have an operating reserve.

Selection: Abstaining from Vote

Peter Berry moved to recommend to Don Johnson that Common Ground be the developer of the Towne Building, Sharon McManus seconded the motion.

Voted: 5 YES, 0 NO, 1 abstention (Bob W.) 1 non-voting member (Nancy)

Respectfully submitted,

Nancy Tavernier
Secretary pro temp